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Attorney for Defendant  
GILBERT DELA CRUZ

**IN THE UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

vs.

FGL MOON MARSHALL LTD., UNIX LINE  
PTE, LTD., and GILBERT DELA CRUZ

Defendants.

) Case No.: 4:19-CR-00559-JST  
)  
)

**CASE MANAGEMENT STATEMENT**

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) Hearing Date: December 20, 2019  
) Hearing Time: 9:30 AM  
) Courtroom: Courtroom 6 – 2<sup>nd</sup> Floor  
) Judge: Hon. John S. Tigar  
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)

This is the initial appearance in district court for these parties. In earlier proceedings before the Magistrate, Rule 15 depositions were ordered. Two trial witnesses have been deposed. The parties will endeavor to resolve objections that were raised during testimony in advance of trial.

The government has provided broad discovery consisting of Rule 16 material, some Brady materials, and early Jencks. The parties intend to resolve all discovery issues informally. The process is ongoing.

The parties have been diligent in discussing settlement possibilities. It appears that the individual defendant, GILBERT DELA CRUZ, will be unable to resolve his case. Mr. DELA CRUZ is prepared to accept a trial date if this Court will set one, with perhaps one motions date

1 needed in advance of the trial date. This trial will likely conclude in less than two weeks.

2 Mr. DELA CRUZ will accept any date for trial that this Court sets. If the trial date is to be  
3 set out more than four months, Mr. DELA CRUZ requests that he be allowed to return home to the  
4 Philippines and remain there until 70 days before the trial date.

5 Mr. DELA CRUZ is currently on pretrial release and has surrendered his passport. There is  
6 precedence in this district for allowing defendants who reside overseas to return home pending trial.  
7 In *U.S. v. Lin, et al.* (Case No.: 3:09-cr-00110-SI), the Honorable Susan Illston allowed the six  
8 individual defendants to retrieve their passports and return home overseas pending trial. Those men  
9 were residents of Taiwan, and had asked to return home until 70 days before trial. The request was  
10 denied, but six individual defendants were given generous return trips for two-week periods during  
11 trial preparation. Mr. DELA CRUZ has already spent nearly ten months in the United States pretrial  
12 since being removed from his tanker vessel in March of this year.

13 Unlike Taiwan, the Philippines has an extradition treaty with the United States.

14 DATED: December 13, 2019

15 /s/ Brian H Getz

16 BRIAN H GETZ

17 Attorney for Defendant

18 GILBERT DELA CRUZ  
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